

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FLOYD’S OF LEADVILLE, INC.,
N/K/A VALUED, INC.,

Plaintiff,

v.

CASE NO.: **1:22-cv-03318-MKV**

ALEXANDER CAPITAL, L.P.; NESA
MANAGEMENT, LLC; JOSEPH ANTHONY AMATO;
ROCCO GERARD GUIDICIPIETRO; JONATHAN GAZDAK;
GREGORY HURLEY; HOWARD DASILVA;
BARRIE CLAPHAM; MARK LEONARD;
THIEN TRUONG; PROVISION HOLDING, INC.;
TIMOTHY KELLY; AND THREE DDD LLC,

Defendants.

**PLAINTIFF’S RESPONSE TO CONSENT MOTION FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFF’S COMPLAINT BY DEFENDANT MARK LEONARD**

Plaintiff Floyd’s of Leadville, Inc., n/k/a Valued, Inc. (“FOL”), hereby responds to the Consent Motion for Extension of Time To Respond to Plaintiff’s Complaint filed by Defendant Mark Leonard.

1. Mr. Leonard, who is currently not represented by counsel, filed his extension motion as a “consent motion,” however, Mr. Leonard did not consult with FOL prior to filing his motion, and FOL has not consented to the relief sought in the motion.

2. Previously, Defendant Gregory Hurley, likewise unrepresented by counsel at the time, filed a similar “consent motion” for an extension of time to respond to the Complaint, without consulting with FOL or requesting its consent. The Court granted that motion before FOL could respond.

3. Defendant Thien Truong, also not currently represented by counsel, has filed an identical motion, likewise titling it as a “consent motion” for an extension of time, without consulting with FOL or requesting its consent.

4. FOL does not oppose the relief requested in these motions, but it objects to these defendants titling their motions as “consent motions” without having asked for or received FOL’s consent. FOL asks that the Court instruct these defendants that they may not file a motion as a “consent motion” without having first consulted with FOL and obtained its consent.

Dated: May 23, 2022.

Respectfully submitted,

/s/ Nicholas W. Katz
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***Attorneys for Plaintiff Floyd’s of Leadville, Inc.,
n/k/a Valued, Inc.***

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ Nicholas W. Katz

Nicholas W. Katz

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